

REMARKS**Allowable Subject Matter**

Applicants express appreciation for the indication in the Office Action of December 12, 2005 that claims 31-33 are allowable.

Summary of Claim Amendments

Upon entry of the response and remarks, claim 15 is amended, and claims 15-28 and 30-38 currently remain pending. Of the pending claims, claims 15-28 and 30 are rejected, claims 31-33 have been allowed, and claims 34-38 have been withdrawn from consideration as being drawn to a non-elected invention. Of the pending claims, claims 15, 31 and 33 are independent. Support for the amendment to the claims can be found, for example, in the specification in Example 1 and Table 5, and is inherent therein. Applicants submit that no new matter is entered.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Restriction Requirement

By the present amendment, Applicants submit that elected claims 15-33 are allowable. Accordingly, Applicants respectfully submit that non-elected claims 34-38

should be rejoined with elected claims 15-33 because they depend therefrom; further, inasmuch as claim 15 is believed allowable, claims 34-38 should also be allowable.

Summary of Telephone Interview - October 23, 2006

Applicants thank Examiner Lynda Salvatore for taking the time to participate in a telephonic interview on October 23, 2006, with Applicants' Representative, Wesley Nicolas (USPTO Reg. No. 56,129).

During the interview, Applicants' Representative discussed the rejections noted in the Office Action dated July 28, 2006. Specifically, Applicants provided arguments as to why the 35 U.S.C. § 103 rejection should be withdrawn. In addition, Applicants discussed with the Examiner proposed amendments which may overcome the cited documents.

RESPONSE TO CLAIM REJECTIONS

1. Response to 35 U.S.C. § 103(a) rejection

Claims 15-28 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer et al. (U.S. Pat. No. 5,916,393, hereinafter "SHAFFER") in view of Riedel et al. (U.S. Pat. No. 5,631,073, hereinafter "RIEDEL"). Applicants traverse this rejection.

Applicant respectfully submits that a *prima facie* case of obviousness is not established by SHAFFER in view of RIEDEL for at least the following reasons.

A *prima facie* case of obviousness requires:

- (a) the presence of all claimed elements,
- (b) the motivation to combine the separate reference teachings, and
- (c) a reasonable expectation of success.

The Office Action fails to establish any of these requirements.

(a) The combination of cited documents fails to disclose all claimed elements of the present claims

First, regarding the presence of all claimed elements, Applicants respectfully submit that the requirement that all claimed elements be taught or suggested in the cited documents has not been met.

For instance, Applicants note that SHAFFER and/or RIEDEL fail to teach or suggest at least “the fibers being immersed 10 μ m to 0.5 mm in the adhesive.” In this regard, Applicants note that the Office Action makes reference to “adhesive penetration distance ranging between 0.1mm to 0.13mm in SHAFFER” (see Office Action, p. 3, referring to SHAFFER at col. 1, line 65 to col. 2, line 5 and col. 5, lines 31-33). However, Applicants note that “adhesive penetration distance” in SHAFFER **is fundamentally different** than the “fibers being immersed ... in the adhesive,” as presently claimed. That is, immersion generally means to completely cover something in, for example a liquid. In contrast, penetration generally means to push through. Thus, the adhesive penetration depth in SHAFFER is referring to the distance the adhesive has

pushed through the fabric into the fibers. However, the fibers do not have to be immersed (i.e., fully coated) to be measured as part of the penetration distance of the adhesive. In contrast, the present claims refer to amount the fibers are immersed in the adhesive, i.e., the distance from the fibers to the surface of the adhesive. Therefore, the adhesive penetration distance (in SHAFFER), and the distance the fibers are immersed in the adhesive (as presently claimed), are two different, mutually exclusive measurements.

Accordingly, because SHAFFER and/or RIEDEL fail to teach or suggest at least “the fibers being immersed 10 μ m to 0.5 mm in the adhesive,” requirement that all claimed elements be taught or suggested in the cited documents has not been met, and Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 15-28, and 30.

In addition, in contrast with both SHAFFER and RIEDEL, Applicants submit that neither SHAFFER nor RIEDEL disclose or suggest at least an “adhesive has a viscosity of greater than 80,000 to 150,000 cP,” as presently claimed.

Therefore, in view of the foregoing remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 15-28, and 30 as being unpatentable over SHAFFER in view of RIEDEL.

(2) The Cited Documents Fail to Provide Motivation to Arrive at the Claimed Invention

Second, regarding motivation to combine the separate document teachings, to properly establish a *prima facie* case of obviousness, assuming, *arguendo*, that the

rejection is based on a proper combination, the combined teachings must disclose all of the recitations of the rejected claims and the cited document(s) must contain some suggestion or motivation for such combination. Applicants respectfully submit that the Office Action fails to provide the requisite motivation needed for a proper *prima facie* case of obviousness. In this regard, Applicants respectfully submit that there is no suggestion in either SHAFFER or RIEDEL to use the high viscosity pressure sensitive adhesive of SHAFFER (which contains a viscosity different from the presently claimed invention), and the non-woven substrate of RIEDEL.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that the presently claimed adhesive tape would not have been obvious in view of SHAFFER and RIEDEL. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103 rejection of claims 15-28 and 30.

(3) There would have been no expectation of success

Finally, despite the assertions in the Office Action, there would have been no expectation of success of achieving the specific recitations of the present claims. There is no reason to believe that Applicant's particularly claimed adhesive tape would have resulted by combining the documents of SHAFFER and RIEDEL.

For example, Applicants submit that SHAFFER and RIEDEL are not properly combinable because the substrate of SHAFFER uses glass fibers (see col. 3, lines 14-18), and substrate of RIEDEL uses polyolefin fibers (see col. 5, lines 13-17). Therefore, in addition to SHAFFER not teaching the claimed non-woven support features as noted in

the Office Action, SHAFFER fails to disclose the same substrate material as RIEDEL. Thus, SHAFFER and RIEDEL are incompatible for combination to make a proper *prima facie* case of obviousness, and thus there would have been no expectation of success.

Therefore, Applicants respectfully submit that the presently claimed adhesive tape would not have been obvious in view of the documents of SHAFFER and RIEDEL. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103 rejection.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

If for any reason a check including the amount for any necessary fees is not associated with this file, the undersigned authorizes the charging of any necessary fees not explicitly identified, to Deposit Account No. 19-0089 in order to maintain pendency of this application.

CONCLUSION

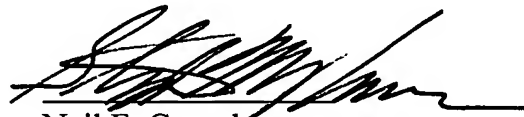
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipates or renders obvious

the Applicants' invention, as recited in each of claims 15-28 and 30-38. In addition, the applied documents of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully Submitted,
Alain GOUX et al.



Neil F. Greenblum
Reg. No. 28,394

December 21, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Stephen M. Roylance
Reg. No. 31,296